

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RACHEL IVY,

Plaintiff,

vs.

OUTBACK STEAKHOUSE, INC., a Delaware corporation; OUTBACK STEAKHOUSE OF FLORIDA, INC., a Florida corporation; E-D JOINT VENTURE, a Washington joint venture; EVERGREEN STATE RESTAURANT CORPORATION, a Washington corporation; DREWRY ENTERPRISES, INC., a Washington corporation; EVERGREEN STATE LIMITED PARTNERSHIP NO. 5, a Washington limited partnership, and JOSH COLEY, an individual,

Defendants.

NO. CV 05-0654 C

**STIPULATION AND
PROTECTIVE ORDER
FOR CONFIDENTIAL
INFORMATION AND
DOCUMENTS**

STIPULATION

To protect the confidentiality of information contained in documents produced and other information disclosed through discovery in this litigation, pursuant to CR 29 the parties stipulate as follows:

1. The term "discovery materials" shall mean documents produced under requests for

have agreed in writing to be bound by its terms. A suitable confidentiality agreement is attached hereto.

1 4. Upon conclusion of the litigation, all copies or reproductions of discovery materials
2 subject to this Order shall, upon the producing party's request, be returned to the party providing
3 such discovery materials or destroyed, *provided*, that plaintiff shall not be required to return
4 copies of personnel files concerning the plaintiff, or "confidential" documents contained therein.
5 If, at the conclusion of the litigation, any party has a reasonable basis for retaining confidential
6 documents or information, that party shall attempt to reach agreement with the producing party
7 concerning the terms under which such document or information will be retained. If the parties
8 are unable to reach agreement, the party seeking to retain the confidential information or
9 document shall move the Court for an Order modifying this Order.

10 5. The provisions of the Order, insofar as they restrict the communication and use of
11 certain discovery materials and the information contained therein, shall continue to be binding
12 after the conclusion of this action, including appeals, if any. Parties agree not to use any such
13 information and materials in subsequent litigation; except as may be ordered by the Court
14 pursuant to a motion brought by the party seeking to use such information or materials.

15 6. This Order does not limit any right of any party to resist discovery or compel discovery
16 with respect to any documents or other information under applicable court rules and law. It does
17 not preclude any party from seeking or obtaining from the Court, on an appropriate showing,
18 additional protections or an order compelling discovery pursuant to applicable court rules and
19 law, including, without limitation, an order that documents or information should or
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25 **STIPULATION AND PROTECTIVE ORDER FOR**
26 **CONFIDENTIAL INFORMATION AND**
 DOCUMENTS -

Peter Moote Law Firm
Attorneys at Law
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should not be produced or discovered, or should not be kept confidential. Each party reserves the right to seek modification of this Protective Order.

7. This Stipulation shall not in any way constitute a waiver by any party of any objection as to the admissibility as evidence at trial of any document or information covered herein or of any right to contest any assertion or claim that the documents or other information constitutes trade secrets or privileged or confidential materials or information; provided, however, that the documents or information shall be treated as privileged and confidential unless and until otherwise determined by the Court or stipulated by the parties.

8. The parties agree to be bound and abide by the terms of this Stipulation in relation to any documents or materials that are exchanged or produced prior to entry of the Protective Order. Until the Protective Order is entered, said materials shall not be provided to any non-party.

PETER MOOTE LAW FIRM

CABLE LANGENBACH KINERK & BAUER, LLP

/s/ Peter Moote
Peter Moote, WSBA No. 6098
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/s/ Bryan P. Coluccio
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ORDER

Based on the foregoing stipulation, it is so ordered.

DATED this 6th day of March, 2006.



UNITED STATES DISTRICT JUDGE

Presented by:

PETER MOOTE LAW FIRM

/s/ Peter Moote

Peter Moote, WSBA No. 6098
Counsel for Plaintiff
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Approved as to form; Notice of Presentation Waived:

CABLE LANGENBACH KINERK & BAUER, LLP

/s/ Bryan P. Coluccio

Bryan P. Coluccio, WSBA No. 12609
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4 **CONFIDENTIALITY AGREEMENT**

5 I, BRYAN COLUCCIO, have read the provisions of the foregoing protective order in the
6 case of Rachel Ivy v. Outback Steakhouse, Inc., et al., No. CV 05-0654-C. I realize that I am
7 bound by the terms of the Protective Order and agree to abide by them.

8 DATED this 27th day of February, 2006.

10 /s/ Bryan P. Coluccio
11 Bryan P. Coluccio, WSBA No. 12609
12 Local Counsel for Defendants
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